

INTERFERENCE DIGEST

Interference No. 105,237

Paper No.

Name: Tomohiro Kawase et al.

Serial No.: 09/824,965

Patent No.

Title: Method of preparing group III-V compound semiconductor crystal

Filed: 04/03/01

Interference with Liu et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

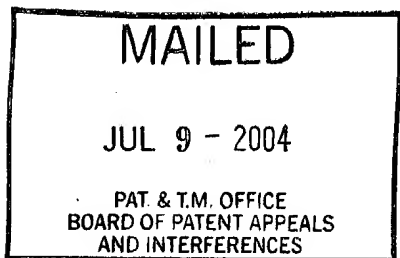
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231


Filed by: Judge Carol A. Spiegel
Telephone: (703) 308-9797
Facsimile: (703) 305-0942



Applicant: KAWASE
Application No.: 09/824,965 (IFW IMAGE)
Filed: 04/03/01
For: Method of preparing group III-V compound
semiconductor crystal
Accorded benefit: Patent 6,007,622, granted
12/28/99, based on application 08/843,124,
filed 04/25/97

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,237.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).



CAROL A. SPIEGEL
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Carol A. Spiegel
Administrative Patent Judge
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942

Filed: 12 July 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Carol A. Spiegel)

XIAO LIU and MENG ZHU

Junior party,
U.S. Patent 6,045,767

v.

TOMOHIRO KAWASE and MASAMI TATSUMI

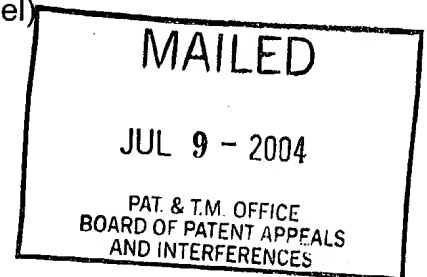
Senior party,
Reissue Application 09/824,965

Patent Interference No. 105,237

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.



Part B. Judge designated to handle the interference

Administrative Patent Judge Carol A. Spiegel has been designated to handle the interference. 37 CFR § 1.601(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to discuss how to next proceed

A telephone call to set dates for taking action in the interference is scheduled for **10:00 a.m. on 7 September 2004** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period last approximately nine (9) months. A schedule of default times for taking action is attached. Counsel should be prepared to justify any request for a shorter or longer period.

The parties are also invited to consider participation in a voluntary electronic filing pilot project. A sample order setting procedures for electronic transmittal of papers is attached.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	XIAO LIU, Fremont, California MENG ZHU, Oakland, California
Patent:	U.S. Patent 6,045,767, issued 4 April 2000, based on application 08/975,746, filed 21 November 1997
Title:	CHARGE FOR VERTICAL BOAT GROWTH PROCESS AND USE THEREOF
Assignee:	American Xtal Technology
Accorded Benefit:	None
Attorneys:	See last page
Address:	See last page

Senior Party

Named inventors: TOMOHIRO KAWASE, Hyogo, Japan
MASAMI TATSUMI, Hyogo, Japan

Application: Reissue application 09/824,965,
filed 3 April 2001

Title: METHOD OF PREPARING GROUP III-V
COMPOUND SEMICONDUCTOR CRYSTAL

Assignee: Sumitomo Electric Industries, Ltd.

Accorded Benefit: U.S. Patent 6,007,622,
issued 28 December 1999,
based on U.S. application 08/843,124,
filed 25 April 1997

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 1, 4 or 8 of Liu (6,045,767)
or
Claim 23, 26, 34/19 or 63 of Kawase (09/824,965).

The claims of the parties are:

Liu	1-8
Kawase	1-22, 26-29 and 31-81

The claims of the parties which correspond to Count 1 are:

Liu	1-8
Kawase	1-22, 26-29 and 31-81

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Liu	none
Kawase	none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See
STANDING ORDER ¶ 3.5.

Paper ____¹

Filed on behalf of [name of party]
By: Name of lead counsel
Name of backup counsel
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Carol A. Spiegel)

XIAO LIU and MENG ZHU

Junior party,
U.S. Patent 6,045,767

v.

TOMOHIRO KAWASE and MASAMI TATSUMI

Senior party,
Reissue Application 09/824,965

Patent Interference No. 105,237

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 105,237 (CAS)


A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


CAROL A. SPIEGEL
Administrative Patent Judge

Date: 12 July 2004

Enc: Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of Electronic filing/pilot project order

Copy of U.S. Patent 6,045,767

Copy of claims of application 09/824,965

Copy of U.S. Patent 6,007,622

Copy of schedule of "Preliminary Motions -- Default times for taking action"

Copy of PTO-850

cc (via overnight delivery):

Liu (real party-in-interest:
AMERICAN XTAL TECHNOLOGY):

John C. Albrecht, Esq.
1044 N. Second Avenue
Saint Charles, IL 60174
Tel: 708-377-2415

Kawase (real party-in-interest:
(SUMITOMO ELECTRIC INDUSTRIES, LTD.):

John B. Pegram, Esq.
FISH & RICHARDSON, P.C.
45 Rockefeller Plaza
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Tel: 212-765-5070
Fax: 212-258-2291